

REMARKS

This Amendment is being filed in response to the Office Action mailed April 3, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, claims 11-12, 14-16 and 18 have been amended for non-statutory reasons, such as for better form. Claims 11-12, 14-16 and 18 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 11-18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,574,796 (Roeck) in view of U.S. Patent No. 5,978,650 (Fischer). It is respectfully submitted that claims 11-18 are allowable over Roeck and Fischer for at least the following reasons.

Roeck is directed to an apparatus for detecting a data carrier in a downstream channel by a cable modem. In Column 4, lines 59-64 (noted in the Office Action), Roeck specifically recites that:

a frequency plan can specify that each frequency channel starting at every 6<sup>th</sup> MHz, beginning with 88 MHz is a potential data carrier. The cable modem checks all frequency channels according to the list to locate the correct data carrier [or frequency channel]. (Emphasis added)

The above-noted section of Roeck merely recites that a frequency plan specifies the existence of channels starting at every 6th MHz, beginning with 88 MHz. Further, in Column 4, lines 25-27 (also noted in the Office Action), Roeck merely teaches that a data carrier is a frequency channel which is 6 MHz wide.

The noted sections of Roeck merely teach to start from a predetermined value (i.e., 88M Hz) within a frequency band and to check all frequency channels within the frequency band.

Fischer is directed towards a transmission system 10 that communicates data between subscribers 14a,b and a central hub 12 through repeaters 16a,b,c shown in FIG 1 and repeaters 116 shown in FIG 2.

As recited in the Abstract and column 5, lines 51-58, a repeater 16a receives a signal (from a subscriber) modulated with QPSK, demodulates the received signal using a QSOK demodulator shown in FIG 2, and re-modulate the received (demodulated) signal

using a different modulation scheme, namely, QAM modulation. This allows combining signals from subscribers and thus increasing the capacity of the transmission system.

It is respectfully submitted that Fischer is completely silent about the manner of scanning a frequency band. Rather, Fischer discloses a manner of processing signals that are already received, namely to demodulation and re-modulate using a different modulation than the received signal. How the frequency spectrum is scanned to detect and receive signals is not even discussed in Fischer.

There is simply no teaching or suggestion in Roeck, Fischer, and combination thereof, of the present invention as recited in independent claim 11, and similarly recited in independent claims 15 and 19 (illustrative emphasis provided):

stepwise scanning segments of the frequency band from the predetermined frequency value in accordance with frequency steps, the frequency steps being substantially equal to the a bandwidth of the frequency channels ... so that each step encompasses two channels and takes the scanning to a particular segment of the frequency band that is contained within the respective known frequency region of a successive channel.

Accordingly, it is respectfully submitted that independent claims 11, 15 and 19 are allowable, and allowance thereof is

respectfully requested. In addition, it is respectfully submitted that claims 12-14, 16-18 and 20-21 should also be allowed at least based on their dependence from independent claims 11, 15 and 19 as well as for the separately patentable elements contained in each of said claims.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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